

EXHIBIT

“F”

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10-cv-6005 (RWS)

Plaintiff,
-against-

DECLARATION
OF HOWARD A. SUCKLE

THE CITY OF NEW YORK, et al,

Defendants.

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**DECLARATION OF HOWARD A. SUCKLE PURSUANT TO 28
U.S.C. § 1746 UNDER THE PENALTY OF PERJURY**

Howard A. Suckle, being an attorney, hereby declares under the laws of the United States of America that the following is true and correct:

1. I am an attorney duly admitted to practice law in the States of New York and New Jersey. I was admitted to practice in New York in January of 1987 and in New Jersey in June of 1987.
2. I was admitted to the Bar of the United States District Court for: The Southern District of New York in March of 1987; The Eastern District of New York in April of 1987; and The District of New Jersey in June of 1987. I have, in the past, been admitted pro hac vice in the States of Florida and California. Since 2002, I have been a Member of Suckle Schlesinger PLLC with offices at 224 West 35th Street, Suite 1200, New York, New York and a second office in New Jersey. Prior to that, I was the only Member of the Law Office of Howard A. Suckle from November 1998-March 2002; and a Partner at Silk, Bunks and Suckle PC from September 1989-October 1998. I started my career in law as an Associate at Silk and Bunks PC from September 1986-August 1989. I have been an instructor of Civil Procedure at Saint Thomas Aquinas College in Orangeburg, New York. I obtained my Juris Doctor at The University of Buffalo, School of Law, in 1986.

3. From the beginning of my practice of law, I have practiced nearly exclusively as a trial lawyer. I started out litigating criminal defense, and false arrest and false imprisonment cases. I have litigated numerous Civil Rights actions, all on the plaintiff's side. In fact, my very first trial was in 1989, and it was an action originating under 42 U.S.C. 1983, entitled: Pitt v The City of New York. Thereafter, I tried and won the wrongful conviction action of Johnson v. State, in the Court of Claims of the State of New York. In addition, I have litigated in the area of employment, age, and sex discriminations in matters such as: Silk v. New York Medical College and Marte v. Nine West Holdings, Inc., and in the areas of First Amendment and Defamation in the matters of Lutwin v. Montauk; Ferguson, et al. v. Sherman Square Realty Corp., et al.; and Sokol v. Daycock, et al. In addition to all of the above, I have litigated over 150 matters in the areas of Medical Malpractice, Product Liability, Labor Law, Petroleum Spills, New York CPLR Article 78, Shareholder Derivative, and Personal Injury actions, as well as, several dozen varying types of commercial matters.

4. When not litigating on a contingent fee, my hourly rate is \$575.00 per hour for all matters.

5. On July 31, 2013, I was retained by Nathaniel Smith, Esq., on behalf of Adrian Schoolcraft, to lend my broad background of experience to his litigation team for the myriad of overlapping issues and pleaded causes of action in the instant matter.

6. As can be seen from the enclosed contemporaneously kept time records, from July 31, 2013 until March 13, 2015 I worked 108.9 hours on behalf of Mr. Schoolcraft. (See attached hereto as exhibit M) The work I performed is stated in the time records. I made and kept my own time records and the records were prepared by me at the time or on the day the work was performed. At my usual and customary rate of \$575.00 per hour, the total fees that I have earned and that I am due under the terms of the settlement agreement with the City of New York is \$62,617.50. The same is more than fair and

reasonable in the light of the work performed, the defense put forth, and the result achieved. It should be noted that defendants in this action that I was in part brought into this matter for my broad experience.

7. The Court should note that the declaration of Michael Spiegel, Esq. is being submitted on behalf of Nathaniel Smith, Esq. as part of the joint fee application of the attorneys for Mr. Schoolcraft. (Exhibit R) In his declaration, Mr. Spiegel states: “I am personally familiar with the hourly rates charged by my colleagues who primarily litigate civil rights claims. For experienced practitioners with 25 or more years of experience, their rates range from \$500 to \$700 per hour, with most clustering around \$ 625 to \$650 per hour.

8. In addition, Mr. Smith attaches as part of his application as Exhibit 3, a recent *New York Law Journal* survey of hourly rates charges by the large firms in Manhattan. That survey shows that partners in large law firms in New York command rates in the range of \$800 to \$1,000 per hour. Judge McMahon recently noted that this survey is commonly used by Southern District Courts in assessing prevailing rates in this District. *Fleisher v. Phoenix Life Ins*, 2015 U.S. Dist. Lexis 121574 at 62-63 n. 15 (S.D.N.Y. Sept. 9, 2015).

9. For the purposes of this application, I adopt the declarations of Misters Smith, and Spiegel in support of this application to the extent that they are supportive hereof. As stated above, in my twenty-eight (28) years of practicing law, I have extensively litigated in the areas of Employment Law and Civil Rights, and I also brought to the Plaintiff a broad base of experience to the many overlapping legal issues at bar. The hourly rate I charge all hourly clients is at the low end of the experienced bar as detailed by Mr. Spiegel in his declarations.

10. Further, herewith is the declaration of Mitchel Bloch, Esq. (See attached hereto as exhibit Y) Mr. Bloch and I met nearly twenty-five (25) years ago as adversaries in a product liability action. Thereafter, he sought me out and retained me to work on several matters on his behalf, and, at times, as

an attorney working jointly with him, and even as his own personal attorney in two litigation matters.

Mr. Bloch further details his knowledge of my skills and experience in his declaration.

11. In addition, herewith is the declaration of David Finkler, Esq. (See attached hereto as exhibit X) I am personally acquainted with Mr. Finkler and he has been familiar with my work for more than two decades. Mr. Finkler and I have worked together representing different plaintiffs in a multi-plaintiff commercial litigation in the City of New York and Mr. Finkler has also referred to me numerous cases over the years. Mr. Finkler further details his knowledge of my skills and experience in his declaration.

Dated: New York, New York
November 18, 2015

Howard A. Suckle
Howard A. Suckle